

cause, at his discretion, until such date after October 1, 1937, and prior to January 15, 1938, as he shall determine.

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No. 35. SMITH *v.* HALL ET AL.; and

No. 36. SAME *v.* JAMES MANUFACTURING CO. ET AL.  
April 5, 1937. S. Harold Smith, Executor of the Estate of Samuel B. Smith, substituted as the party petitioner on motion of *Mr. Dean S. Edmonds* for the petitioner. Reported below: 83 F. (2d) 217, 221.

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No. 567. DAVIS *v.* BOSTON & MAINE RAILROAD ET AL.  
April 6, 1937. Motion for leave to file petition for rehearing submitted by *Mr. Edward F. McClennen* for the petitioner, and the motion denied. Reported below: 89 F. (2d) 368. See 299 U. S. 614.

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#### DECISIONS GRANTING CERTIORARI FROM FEBRUARY 1, THROUGH APRIL 11, 1937.

No. 599. STROEHMANN ET AL. *v.* MUTUAL LIFE INSURANCE Co. February 1, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted, limited to the question of the application and effect of the incontestability clause in policy No. 4,361,192. *Messrs. George H. Hafer, George Ross Hull, and Carl B. Shelby* for petitioners. *Messrs. Reese H. Harris and Frederick L. Allen* for respondent. Reported below: 86 F. (2d) 47.

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No. 627. MUMM *v.* JACOB E. DECKER & SONS. February 1, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Messrs. Ralph F. Merchant and Frank W. Dahn* for pe-

300 U. S.

Decisions Granting Certiorari.

tioner. *Messrs. Maurice M. Moore, Harold Olsen, Oscar W. Giese, and R. F. Clough* for respondent. Reported below: 86 F. (2d) 77.

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No. 600. *UNITED STATES v. NORRIS*. February 1, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Solicitor General Reed* for the United States. *Mr. Wm. E. Shuman* for respondent. Reported below: 86 F. (2d) 379.

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No. 588. *OPPENHEIMER v. HARRIMAN NATIONAL BANK & TRUST CO. ET AL.*; and

No. 670. *HARRIMAN NATIONAL BANK & TRUST CO. ET AL. v. OPPENHEIMER*. February 8, 1937. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Edward S. Greenbaum* for Oppenheimer. *Messrs. Martin Conboy, George P. Barse, and John F. Anderson* for Harriman National Bank & Trust Co. Reported below: 85 F. (2d) 582; 86 F. (2d) 1008.

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No. 602. *WELCH, FORMER COLLECTOR OF INTERNAL REVENUE, v. OBISPO OIL Co.* February 8, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Solicitor General Reed* for petitioner. *Mr. Joseph D. Peeler* for respondent. Reported below: 85 F. (2d) 860.

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No. 604. *RAY v. UNITED STATES*. February 8, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Reynolds Robertson* for petitioner. *Solicitor General Reed, Assistant Attorney General McMahon, and Messrs. William W.*

*Barron and W. Marvin Smith* for the United States. Reported below: 86 F. (2d) 942.

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No. 605. *AMERICAN PROPELLER & MANUFACTURING Co. v. UNITED STATES*. February 15, 1937. Petition for writ of certiorari to the Court of Claims granted, limited to the question of the allowance of interest to the Government upon its claim. *Messrs. J. Kemp Bartlett, Edgar Allan Poe, Paul F. Myers, and John R. Yates* for petitioner. *Solicitor General Reed, Assistant Attorney General Morris, and Mr. Sewall Key* for the United States. Reported below: 83 Ct. Cls. 100; 14 F. Supp. 168.

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No. 614. *SONZINSKY v. UNITED STATES*. February 15, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted, limited to the question of the constitutional validity of the statute in its application under the first count of the indictment. *Mr. Harold J. Bandy* for petitioner. *Solicitor General Reed, Assistant Attorney General McMahon, and Mr. Wm. W. Barron* for the United States. Reported below: 86 F. (2d) 486.

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No. 638. *STEELMAN, TRUSTEE IN BANKRUPTCY, v. ALL CONTINENT CORP.* February 15, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. It is ordered that the temporary injunction issued on January 18, 1937, shall continue in force until the hearing and determination of the cause by this Court. *Mr. Wm. Elmer Brown, Jr.*, for petitioner. *Mr. Benjamin Reass* for respondent. Reported below: 86 F. (2d) 913.

300 U. S.

Decisions Granting Certiorari.

No. 659. CINCINNATI SOAP CO. *v.* UNITED STATES. February 15, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Mr. Alfred Bettman* for petitioner. *Solicitor General Reed, Assistant Attorney General Morris, and Mr. Sewall Key* for the United States.

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No. 667. ANNISTON MANUFACTURING CO. *v.* DAVIS, COLLECTOR OF INTERNAL REVENUE. February 15, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Messrs. W. A. Sutherland and Joseph B. Brennan* for petitioner. *Solicitor General Reed, Assistant Attorney General Morris, and Messrs. Sewall Key and Fred E. Youngman* for respondent. By leave of Court, *Mr. Wm. B. McIlvaine and Mr. George T. Buckingham* filed briefs as *amici curiae*, urging issuance of the writ. 87 F. (2d) 773.

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No. 687. HASKINS BROS. & CO. *v.* O'MALLEY, COLLECTOR OF INTERNAL REVENUE. February 15, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Mr. William Stanley* for petitioner. *Solicitor General Reed, Assistant Attorney General Morris, and Mr. Sewall Key* for respondent.

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No. 688. SHULMAN ET AL. *v.* WILSON-SHERIDAN HOTEL CO. ET AL. March 1, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Messrs. Meyer Abrams and Max Shulman* for petitioners. *Messrs. Isaac E. Ferguson and C. S. Bentley Pike* for respondents. Reported below: 86 F. (2d) 898.

No. 716. GREAT LAKES TRANSIT CORP. *v.* INTERSTATE STEAMSHIP CO. ET AL. March 8, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted, limited to the second question presented by the petition for writ of certiorari. *Mr. Lawrence E. Coffey* for petitioner. *Messrs. Ray M. Stanley, Ellis H. Gidley, Frederick L. Leckie, and Thomas H. Garry* for respondents. Reported below: 86 F. (2d) 740.

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No. 621. FIRST NATIONAL BANK & TRUST CO., TRUSTEE, *v.* BEACH. March 8, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Arthur B. Weiss* for petitioner. *Mr. Sydney P. Simons* for respondent. Reported below: 86 F. (2d) 88.

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No. 285. UNITED STATES EX REL. GIRARD TRUST CO., TRUSTEE, *v.* HELVERING, COMMISSIONER OF INTERNAL REVENUE. See *ante*, p. 643.

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No. 202 (October Term, 1935). *STONE ET AL. v. WHITE, FORMER COLLECTOR.* See *ante*, p. 643.

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No. 703. OLD COLONY TRUST CO., TRUSTEE, *v.* COMMISSIONER OF INTERNAL REVENUE. March 15, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Mr. Harold S. Davis* for petitioner. *Solicitor General Reed, Assistant Attorney General Morris, and Messrs. Sewall Key, J. Louis Monarch, and Fred E. Youngman* for respondent. Reported below: 87 F. (2d) 131.

No. 721. LIPSON *v.* SOCONY VACUUM CORP.; and .

No. 722. SAME *v.* STANDARD OIL Co. March 15, 1937. Petition for writs of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Messrs. Edward O. Proctor and Edward C. Park* for petitioner. *Mr. George R. Stobbs* for respondents. Reported below: 87 F. (2d) 265.

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No. 743. A. A. LEWIS & Co. ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. March 29, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Messrs. Franz W. Castle, Emmett J. McCarthy, Howard R. Brintlinger, and Robert F. Carey* for petitioners. *Solicitor General Reed, Assistant Attorney General Morris, and Messrs. Sewall Key and Ellis N. Slack* for respondent. Reported below: 87 F. (2d) 1000.

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No. 753. AETNA INSURANCE Co. *v.* KENNEDY;

No. 754. SPRINGFIELD FIRE & MARINE INSURANCE Co. *v.* SAME; and

No. 755. LIVERPOOL & LONDON & GLOBE INSURANCE Co., LTD. *v.* SAME. March 29, 1937. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Messrs. Horace Michener Schell and Robert T. McCracken* for petitioners. *Mr. Harry Shapiro* for respondent. Reported below: 87 F. (2d) 683.

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No. 765. MANTLE LAMP Co. *v.* ALUMINUM PRODUCTS Co. March 29, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Messrs. George I. Haight, W. H. F. Millar, and M. K. Hobbs* for petitioner. *Mr. Wm. Nevarre Cromwell* for respondent. Reported below: 86 F. (2d) 509.

No. 837. CHAS. C. STEWARD MACHINE CO. *v.* DAVIS, COLLECTOR OF INTERNAL REVENUE. March 29, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Messrs. Wm. Logan Martin, Walter Bouldin, Niel P. Sterne, and Borden Burr* for petitioner. *Solicitor General Reed* for respondent. Reported below: 89 F. (2d) 207.

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No. 660. LINDSEY ET AL. *v.* WASHINGTON. April 5, 1937. The petition for writ of certiorari to the Supreme Court of Washington is granted, limited to the question as to whether Chapter 114 of the Laws of Washington of 1935, as here applied, is invalid as an *ex post facto* law within the meaning of Art. I, § 10, of the Constitution. *Messrs. Elbert B. Lindsey and E. R. Lindsey, pro se. Mr. A. O. Colburn* for respondent. Reported below: 187 Wash. 364; 61 P. (2d) 293.

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No. 750. MCEACHERN, ADMINISTRATOR, *v.* ROSE, FORMER COLLECTOR OF INTERNAL REVENUE. April 5, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Mr. W. A. Sutherland* for petitioner. *Solicitor General Reed, Assistant Attorney General Morris, and Messrs. Sewall Key and Harry Marselli* for respondent. Reported below: 86 F. (2d) 231.

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No. 803. ANDERSON, RECEIVER, *v.* ATHERTON, ADMINISTRATOR, ET AL. April 5, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Messrs. Eugene P. Locke, E. B. Stroud, Maurice E. Purnell, Arthur Peter, and John G. Heyburn* for petitioner. *Messrs. Newton D. Baker, Howard F.*

300 U. S.

Decisions Denying Certiorari.

*Burns, Wm. W. Crawford, John C. Doolan, Allen P. Dodd, Churchill Humphrey, Graddy Cary, David R. Castleman, Charles G. Middleton, and Huston Quin* for respondents. Reported below: 86 F. (2d) 518.

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No. 824. *THOMAS, COLLECTOR OF INTERNAL REVENUE, v. PERKINS ET AL.* April 5, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Solicitor General Reed* for petitioner. *Mr. Harry C. Weeks* for respondents. Reported below: 86 F. (2d) 954.

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#### DECISIONS DENYING CERTIORARI FROM FEBRUARY 1, THROUGH APRIL 11, 1937.

No. 566. *SUREN v. OCEANIC STEAMSHIP Co.* February 1, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. James F. Brennan* for petitioner. *Mr. Herman Phleger* and *Maurice E. Harrison* for respondent. Reported below: 85 F. (2d) 324.

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No. 574. *FERRERO v. COMMISSIONER OF IMMIGRATION.* February 1, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Carol King* and *Isaac Shorr* for petitioner. *Solicitor General Reed, Assistant Attorney General McMahon, and Messrs. Wm. W. Barron* and *W. Marvin Smith* for respondent. Reported below: 86 F. (2d) 1021.

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No. 576. *BARLOW-MOORE TOBACCO Co. v. UNITED STATES.* February 1, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit